



SPECIAL MEETING

TAKE NOTICE THAT A SPECIAL MEETING
OF THE CITY OF EDCOUCH WILL BE HELD
AT 211 W. SOUTHERN AVE., EDCOUCH, TEXAS, ON
TUESDAY, OCTOBER 15, 2019
COMMENCING AT 6:00 P.M.

AGENDA

- A. Call Meeting to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Discussion and possible action on approval of Minutes:
 - 1. Regular Meeting Minutes of September 19, 2019.
- E. Public Hearing: UCP Fiscal year 33 (2020) Annual Action Plan - Needs Assessment.
- F. Discussion and presentation by Fulcrum Engineering & Consultant on finances of the USDA, Wastewater Treatment Plant.
- G. Discussion and possible action on selection of the lowest most responsible bidder for the USDA - Wastewater Treatment Plant Project.
- H. Discussion and possible action on Resolution No. 2019-16; Nomination on Selection of Candidates for the Appraisal District Board of Directors for 2020-2021.
- I. Discussion and possible action on waving the water fee for the Edcouch American Legion Post No. 0189.
- J. Discussion and possible action on approval of Resolution No. 2019-17; Authorizing the Designation of Signators for a Debit Card for the City of Edcouch Bank Accounts with Texas National Bank.
- K. Discussion and possible action on approval of Resolution No. 2019-18; Supporting the Rehabilitation of the Affordable Rental Housing of 23 units located at 1100 E. Santa Rosa Ave. in Edcouch, Texas & the request by HVM BP Edcouch I, LLC to TDHCA for a 2019 4% Non-Competitive Housing Tax Credit for the Los Laureles Apartments.
- L. Discussion and possible action on approval of Resolution No. 2019-19; Supporting the Rehabilitation of the Affordable Rental Housing of 34 units located at 420 Hinojosa Drive in Edcouch, Texas & the request by HVM BP Edcouch I, LLC to TDHCA for a 2019 4% Non-Competitive Housing Tax Credit for the Cielo Lindo Apartments
- M. Discussion and possible action on the removal of officers of the Edcouch Housing Finance Corporation.
- N. Discussion and possible action on assignment of officers to the Edcouch Housing Finance Corporation.

- O. Discussion and possible action on proposal from investors for the Blue Lion Property.**
- P. Discussion and possible action on recovering property under Javier Villalobos name.**
- Q. Discussion and possible action on filing suit against Javier Villalobos to recover property.**
- R. Executive Session: Texas Government code Chapter 551, Section 551:071, Consultation with City Attorney.**

Pursuant to Chapter 551.Section: 551.071: Consultation with City Attorney, the Council shall convene to Executive Session to discuss the following:

- 1. Litigation - Blue Lion Property**
- 2. Property under Javier Villalobos Name**
- 3. Litigation - Recover Property under Javier Villalobos name**

- S. Reconvene: The Council shall Reconvene and take possible action on items discussed In Closed Meeting/Executive Session:**

Chapter 551, Section 551.071: Consultation with City Attorney.

- 1. Litigation - Blue Lion Property**
- 2. Property under J. Villalobos name**
- 3. Litigation - Recover Property under Javier Villalobos name**

- T. Adjournment.**

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

City Hall is Wheelchair accessible & accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this Meeting. Please contact the City Secretary's Office at 956-262-2140 or Fax 956-262-2920 for further information. Braille is not available.

If during the course of the meeting, The City Council should determine that a Closed Session or meeting is authorized by section 551.071, 551.072, 551.074, 551.075, 551.076, 551.084, 551.086 of the Government Code or Vernon's Texas Codes Annotated, notice of Closed or Executive Session will be given after the commencement of the meeting covered by this notice pursuant to Section 551.101 of the Local Government Code. Should any final motion, decision, or vote be required in the opinion of the council with regards to any item during the meeting, then such final action, decision, or vote shall be made during the open meeting covered by this notice upon the reconvening of the Public Meeting.

I, the undersigned authority, do hereby certify that the above notice of said Special Meeting of the Board of Aldermen of the City of Edcouch was posted on the main entrance to Edcouch City Hall on the 11th day of October 2019 at 5:00 pm and will remain posted continuously for at least 72 hours prior to the scheduled time of said meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).

WITNESS MY HAND AND SEAL, THIS 11th DAY OF OCTOBER 2019.

Victor H. De La Cruz
City Manager



**MINUTES
SPECIAL MEETING**

CITY OF EDCOUCH
211 W. SOUTHERN AVE., EDCOUCH, TEXAS
THUESDAY, OCTOBER 15, 2019
6:00 P.M.

AGENDA

U. **Call Meeting to Order** Meeting was called to Order by Mayor Gonzalez at 6:02 pm.

V. **Roll Call** Roll call was called by Mr. De La Cruz as follows:

	Present	Absent	City Staff:
Mayor: Virginio Gonzalez Jr.	<u>X</u>	_____	Victor H. De La Cruz, City Manager
Mayor Pro Tem: Rene Flores	<u>X</u>	_____	Manuel Hernandez Jr., Court Admin
Alderman: Joel Segura	<u>X</u>	_____	Pete De La Cruz, Fin./Grants
Alderman: Alfredo F. Borrego	<u>X</u>	_____	
Alderman: Daniel A Guzman	<u>X</u>	_____	Guest: Dan Campos - Fulcrum
Alderman: Lorenzo Cabrera	<u>X</u>	_____	Bill Davis - Ferguson
City Attorney: Orlando Jimenez			

Mr. De La Cruz - Mayor, we have a quorum

W. **Pledge of Allegiance** Pledge of Allegiance was led by Mayor Pro Tem: Rene Flores.

X. **Discussion and possible action on approval of Minutes:**

1. **Regular Meeting Minutes of September 19, 2019.**

A motion to **approve** the minutes of Sept 19, 2019 was made by Alderman: Guzman, 2nd by Alderman: Cabrera. All Voted Aye. Motion Carried.

Y. **Public Hearing: UCP Fiscal year 33 (2020) Annual Action Plan - Needs Assessment. (2:00)**

Mayor Virginio Gonzalez Jr. - Opened the Public Hearing at 6:04 pm.

Mayor: Virginio Gonzalez Jr. - This Public Hearing is to inform the public and to solicit input from interested parties on the City's Need Assessment under our UCP - FY 2020 - Yr. 33. Mr. Pete De La Cruz will inform you and go over the past five years use of UCP Funds under the City of Edcouch Urban County Program.

Mr. Pete De La Cruz then informed the public on use of the past UCP Funds under the City of Edcouch UCP Grant Funds as follows:

UCP Year 32 - FY 2019 \$257,604.00 Streets & Water/Sewer Improvements:

St. Improvements: Funds will be used for streets resurfacing at N. Angelita St. to Gonzalez Street & Sgt. Cervantes St. to Victoria St. **Water & Sewer Improvements:** Funds will be used for Rehabilitation of Sewer Lines at (1) Angelita St. - From Sutter Street to Crenshaw Street, (2) On Alley from FM 1015 to Hill Street between Missouri & Pacific Street and (3) N. Ester Street - From alley on N. Hwy 107 to alley going east on S. Ester Street.

UCP Year 31 - FY 2018 **\$266,440.00** **Street Imp.** **UCP Year 30 - FY 2017** **\$248,834.00**

St. Improvements: Funds will be used for streets resurfacing at Nixon St., Montgomery St., Cochran St., Commercial St., McDaniel St., Wista St., N. Hill St., Missouri St., Southern Ave., S. Frederick St. S. Hill St. and Railroad Street. Funds shall also be used for related expenses to the compliance of CDBG requirements such as advertisements, postings, coordination of project activities.

UCP Year 29 - FY 2016 **\$251,975.00** **Parks & Recreational Facilities Imp.:**

Bell Park - Continued Construction of the Bathroom Facility with a Water Fountain, Asphalt Walking Trail, Fencing, Park Imp., & the Installations of BBQ Pits, Volleyball Sand Court, Playground Equipment, and Upgrade of the Basketball Court.

UCP Year 28 - FY 2015 **\$255,727.00** **Parks & Recreational Facilities Imp.**

Bell Park - Construction of the Bathroom Facility with a Water Fountain, Asphalt Walking Trail, Fencing, Park Improvements & installations of BBQ Pits, Volleyball Sand Court, Playground Equip. & the upgrade of The Basketball Court. **Sgt. Rodriquez Pavilion Park** - Installation of Playground Equip., Picnic Tables & BBQ Pits. **P. Salazar Park** - Installation of Playground Equip., Picnic Tables & BBQ Pits.

The yearly above UCP Funding Improvements includes but limited to professional service fees, material, testing fees, advertisement, and related appurtenances as they pertain to project completion.

After Mr. De La Cruz advised the residents of past use of funds, **Mayor Gonzalez** informed the residents of all eligible activities as follows:

Mayor: Gonzalez - Public Facilities - Senior Centers, Youth Centers, Neighborhood Fac., Park & Rec. Infrastructure Imp. Needs - Flood Drain Imp., Water Imp., Sewer Imp., or Streets Imp. Public Service Needs - Senior Services Handicap Service, Youth Services, Housing Needs etc.

Mayor: Gonzalez - Is there anyone present in the audience that would like to make a presentation or add any input on the use of fund for the UCP FY 2020 (Yr. 33).

There was nobody present to make any presentations, but Mr. De La Cruz informed the Mayor of a letter received from Nuestra Clinica Del Valle, Inc. that read as follows:

Mr. De La Cruz - Nuestra Clinica Del Valle, Inc.:

The letter from Nuestra Clinica Del Valle, Inc., is requesting funds in the amount of \$15,000 from Urban County/CDBG funds for program year 33 (2019-2020). They will provide medical and dental services to uninsured, economically disadvantaged residents in the City of Edcouch. They will provide medical, dental, and behavioral services to 125 adults and children who would otherwise have no access to these services. There were no other agencies requesting funding.

Mayor: Gonzalez - Ok, we will be scheduling a workshop later to receive more input and to decide on the use of funds from the Council for eligible activities.

Mayor: Gonzalez - "Is there anyone else that would like to make a presentation or any comments? There were no other comments.

Mayor: Gonzalez - Ok, there are no other comments, so, I now close the Public Hearing. It is now 6:12 pm and this Pubic Hearing is closed. (10:32)

Z. Discussion and presentation by Fulcrum Engineering & Consultant on finances of the USDA, Wastewater Treatment Plant. (10:32)

Mr. Victor H. De La Cruz - Mayor, Mr. Dan Campos will make a presentation on the finances Of our USDA Project. I wanted to bring this up so that we could see the expenses that have been expended.

Mr. Campos, Fulcrum Engineering - Mr. Campos went over the USDA Project budget and expenditures. Mr. Campos, Mr. Victor H. De La Cruz, City Counsel, and the Council discussed the expenditures of the \$225,000 CoBank Bridge Loan concerning the expenditures that have been made, which were \$184,500 on engineering, \$35,500 on bond counsel, and a balance of \$5,000. Also discussed was that if the City did not continue with the USDA Project, the city would be liable to pay off that cost. After a lengthy discussion on the USDA Project Water Treatment Plant, bids, finances, CoBank Loan maturity date, cost, project time length, what has been completed, and if the City was going to continue with the project, etc., Mayor Gonzalez went to the next item. (22:46)

AA. Discussion and possible action on selection of the lowest most responsible bidder for the USDA - Wastewater Treatment Plant Project. (22:47)

Mr. Victor H. De La Cruz - Mayor, before I pass on to Mr. Dan Campos, he passed out a bid tabulation, but I am going to pass out a bid tab that was taken by our staff. I wanted you to look at it, if you look at the right, you'll see Deductive Alternate B. If you will notice, you have four bidders. Deductive Alternate B starts off with J.S. Haren Co. - \$225,000, Pederson Const. Co. - \$290,000, Ferguson SSI - \$3,375,000, and then Assoc. Const. Partners, LTD. with \$180,000. So, we got a phone call from one of the bidders and they asked me if Ferguson was going to do the WWTP for the difference. The reason that they brought that is because on the deductive and the way the instructions were, is that they calculate and then you put the calculation, the accrual amount here. They are asking me if Ferguson was going to do the plant for, I don't know what the difference is there on the amount. So, when I saw that right off the bat, I can tell you right away I would recommend Ferguson to come in to do the plant for the difference. **Mr. Davis, Ferguson** - It's an interpretation error on our part. **Mr. Victor H. De La Cruz** - So, I don't know what the bid process, what the legal aspect would be. When these people called me, they were pretty serious on these allegations. So, I called legal counsel, I understood what they did, an interpretation error. But I need to express to you what was expressed to me, so, if that's the case and they're going to do it for that difference, I would recommend that they do it, otherwise. **Mayor Pro Tem: Flores** - So, if he made a mistake, would that consider him a responsible bidder? **Mr. Jimenez** - The way the law is written, is that we understand that it might have been an error, a misunderstanding, but the difference of \$167,000, everybody else did not have a misunderstanding. So, what happens is that we have to approach Ferguson and ask if they are going to do it for the \$167,000, which is what this bid tabulation has, if he just tells us know, well it just invalidates his proposal. It's up to the City to accept the proposal without making any modifications or reject the proposal. So, it's up to the board to either accept the \$167,000 and the gentleman just said no, he's not going to do it for that amount, so the Board has the right to reject that proposal, because it wouldn't be fair to the other individuals. Apparently, Mr. De La Cruz already got a call from one of those individuals. My recommendation is that the City has to be fair or else we cannot open ourselves to more litigations. **Mayor: Gonzalez** - How did the other contractors get a hold of the bids. **Mr. Victor H. De La Cruz** - Everybody has excess to them

and that's when the question came about. **Alderman: Guzman** - If we don't accept Ferguson's bid, what is the next low bidder and what is the difference that we are looking at? **Alderman Borrego** - We're too far, like 1.3 million. **Mayor Pro Tem: Flores** - Isn't that the problem we had with that other bid? **Mr. Victor H. De La Cruz** - I did make phone a call to USDA, they see it as an error on their behalf, they don't see it as something that we should take with a little grain of salt, but I know that even the lowest bidder is already past the amount. So, I think Mr. Campos has some options for you all. If you all want to consider listening to his options because at this point if we don't do something..., but I did talk to USDA and they didn't seem to think it was not something that serious. We are at a point right now that if we don't decide today, this project is gone. The options that Mr. Campos has, he does have an option of value engineering the project, which is going back to Ferguson and seeing if he could bring it down and try to meet the program. My only concern is that we did have that option, but I can't recommend that because I did request something from Fulcrum and a letter from USDA on allowing the City to value engineer. Because they didn't allow it the first time. **Mayor Pro Tem: Flores** - So, I see this is not like the first time. The first time everything got declined. **Mr. Victor H. De La Cruz** That's why I wanted USDA to send us a letter that they would consider us doing value engineer. **Mr. Campos** - We are suggesting that we work with the low bidder to bring the project within the budget. The first budget that we had with USDA, we had a contingency in the amount of only 2%. We needed to have at least 10 or 7% for them to consider our recommendations. So, at that point we suggested that we value engineer on the Ferguson's bid within the amount with at least a 7% contingency. (30:35) **After further discussion on the water treatment plant, value engineering, bids, project cost & amount, contingency percent, materials, existing ponds, plant capacity, existing specs & plans, rejection of bids, payment of CoBank Bridge Loan, etc., a motion was called.** (44:00)

A motion to **reject all bids** for the USDA Wastewater Treatment Plant Project was made by **Mayor Pro Tem: Flores**, 2nd by **Alderman: Segura**. All Voted Aye. Motion Carried.

BB. Discussion and possible action on Resolution No. 2019-16; Nomination on Selection of Candidates for the Appraisal District Board of Directors for 2020-2021. (44:25)

Mr. Victor H. De La Cruz - There is a list in your package of the other names nominated as candidates for the Appraisal District Board of Directors. Last time you all mentioned nominating Mr. Guzman. The names on the list are Albert Cardenas, Alejandro Cantu, Amador Requenez, David Hernandez, Henry Howell, Jose Olivares, Monte Churchill, Pete Garcia, Reynaldo Perez, Richard A. Garza, Rudy Ramirez, and Shavi Mahtani. **Alderman: Guzman** - We should go with somebody from Edcouch, Rudy Ramirez is married with somebody from Edcouch. **Mayor: Gonzalez** - He is Mr. Montalvo's son-in-law. **Mayor Pro Tem: Flores** - That's the closest ties we have to Edcouch. **Alderman: Guzman** - I'll make the motion to go ahead and nominate Rudy Ramirez.

A motion to **nominate Rudy Ramirez** as the nominee candidate for the Appraisal District Board of Director for 2020-2021 was made **by Alderman: Guzman**, 2nd by **Alderman: Segura**. All Voted Aye. Motion Carried. (46:42)

CC. Discussion and possible action on waving the water fee for the Edcouch American Legion Post No. 0189. (46:43)

Mr. Victor H. De La Cruz - Mayor, I was approached by Mr. Leonel Lozano who came to see

me about the Edcouch American Legion Post 0189. The American Legion meets once a month and their water bill is coming in at about \$65 to \$67 and they are like, we don't even use it, we only meet once a month. It's an organization that does a lot for our community and they are requesting if we could waive their monthly water fees. **Alderman: Guzman** - Mr. Jimenez, can we legally do that. I know it's a non-profit and it's good for the community and I know most of it's members but is it legal? **Mr. Victor H. De La Cruz** - I asked that question, but if you all can give us direction, maybe we can... **Mr. Jimenez** - With Board approval, you can do it. It's a non-profit organization. (48:10) After further discussion by Council concerning other non-profits, churches, fees, etc., a motion was called. (52:30)

A motion to **table waiving the water fees** and asking Mr. De La Cruz to look more into this request from the Edcouch American Legion Post No. 0189, the motion was made **by Alderman: Segura, 2nd by Alderman: Cabrera.** All Voted Aye. Motion Carried.

DD. Discussion and possible action on approval of Resolution No. 2019-17; Authorizing the Designation of Signators for a Debit Card for the City of Edcouch Bank Accounts with Texas National Bank. (52:35)

Mr. Victor H. De La Cruz - Mr. Pete De La Cruz will elaborate on this item.

Mr. Pete De La Cruz - This resolution is the same as when we presented the Credit Card Resolution, we are requesting that Texas National Bank provides us with a Debit Card to use when making small purchases concerning the City's needs like tools, computers, gas, etc.

Mr. Jimenez - Please note that we need to make a correction on Resolution 2019-17, on the **fifth Whereas**, paragraph, we need to add the r on the **word manage**, it should be spelled **manager** .

A motion to **approve Resolution No. 2019-17;** Authorizing the Designation of Signators for the Debit Card for the City of Edcouch Bank Accounts with Texas National Bank with the correction as per Mr. Jimenez was made by **Mayor Pro Tem: Flores, 2nd by Alderman: Segura.** All Voted Aye. Motion Carried. (54:20)

EE. Discussion and possible action on approval of Resolution No. 2019-18; Supporting the Rehabilitation of the Affordable Rental Housing of 23 units located at 1100 E. Santa Rosa Ave. in Edcouch, Texas & the request by HVM BP Edcouch I, LLC to TDHCA for a 2019 4% Non-Competitive Housing Tax Credit for the Los Laureles Apartments. (54:21)

Mr. Victor H. De La Cruz - Mr. Pete De La Cruz will elaborate on this item.

Mr. Pete De La Cruz - This resolution is requesting your support to HVM BP Edcouch I, LLC. where they will be requesting from TDHCA a 4% Non-Competitive Housing Tax Credit on the rehabilitation of the Los Laureles Apartments.

A motion to **approve Resolution No. 2019-18;** Supporting the Rehabilitation of the Affordable Rental Housing of 23 units located at 1100 E. Santa Rosa Ave. in Edcouch, Texas and the request by HVM BP Edcouch I. LLC to TDHCA for a 2019 4% Non-Competitive Housing Tax Credit for the Los Laureles Apartments was made **by Alderman: Guzman, 2nd by Alderman: Segura.** All Voted Aye. Motion Carried. (55:50)

FF. Discussion and possible action on approval of Resolution No. 2019-19; Supporting the Rehabilitation of the Affordable Rental Housing of 34 units located at 420 Hinojosa Dr. in Edcouch, Texas & the request by HVM BP Edcouch II, LLC to TDHCA for a 2019 4% Non-Competitive Housing Tax Credit for the Cielo Lindo Apartments

Mr. Victor H. De La Cruz - Mr. Pete De La Cruz will elaborate on this item.

Mr. Pete De La Cruz - This resolution is the same as Item K. A request for your support from HVM BP Edcouch II, LLC. where they will request from TDHCA a 4% Non-Competitive Housing Tax Credit on the rehabilitation of the Cielito Lindo Apartments.

A motion to **approve Resolution No. 2019-19**; Supporting the Rehabilitation of the Affordable Rental Housing of 34 units located at 420 Hinojosa Drive in Edcouch, Texas and the request by HVM BP Edcouch II. LLC to TDHCA for a 2019 4% Non-Competitive Housing Tax Credit for the Cielo Lindo Apartments was made by **Alderman: Cabrera, 2nd by Alderman: Guzman.** All Voted Aye. Motion Carried. (56:27)

GG. Discussion and possible action on the removal of officers of the Edcouch Housing Finance Corporation. (56:29)

Mr. Victor H. De La Cruz - Mayor, this corporation was initiated a couple of years ago. After some research because of the issues with the EDC, there were issues there and I know the City is eager to move forward and try to do things. I know it's hard to go the conventional route, that's why these corporations were created back in the past. After research with legal, this was one of the corporations that was established that makes most sense for some of the plans and idea that we have. We went out there and it was forfeited, we met with accounted and worked together to try to re-activate this corporation. We were able to re-activate it and it's in good standing with the State now. It cost the City a hundred dollars to do that. This corporation has officers, which aren't here anymore, so they would have to be removed and then replaced. On the next item we can put some new officers back on.

A motion to **remove** the officers of the Edcouch Housing Finance Corporation was made by **Mayor Pro Tem: Flores, 2nd by Alderman: Guzman.** All Voted Aye. Motion Carried. (58:28)

HH. Discussion and possible action on assignment of officers to the Edcouch Housing Finance Corporation. (58:30)

Mr. Victor H. De La Cruz - Mayor, this is the same corporation that I was talking about, the Edcouch Housing Finance Corporation. We are requesting that you assign officers to the Edcouch Housing Finance Corporation. Keep in mind that I talked to Mr. Jimenez and we're going to look at the EDC and try to follow the same procedures that we did with this one. Maybe we can get them back up and running.

A motion to assign **Mayor: Gonzalez, Mayor Pro Tem: Flores, Alderman: Cabrera, and Alderman Segura** as the new officers of the Edcouch Housing Finance Corporation was made by **Alderman: Segura, 2nd by Mayor Pro Tem: Flores.** All Voted Aye. Motion Carried. (100:45)

II. Discussion and possible action on proposal from investors for the Blue Lion Property. (100:45)

Mr. Jimenez - Mayor, in your package there is a proposal that we received from Mr. Marcos Barrera which is an attorney. I would like to take this into executive session to discuss the proposal from that attorney. Since we are in current litigation. (101:15)

JJ. Discussion and possible action on recovering property under Javier Villalobos name. (101:15)

Mr. Jimenez - Same recommendation , Mayor. I would like to have this one and the following (Item Q.) in Executive Session. **Mayor Gonzalez** - Alright

KK. Discussion and possible action on filing suit against Javier Villalobos to recover property.

Mr. Jimenez - Same recommendation , Mayor. I would like to have this one and the following (Item Q.) in Executive Session. **Mayor Gonzalez** - Alright

Mayor: Gonzalez - Ok, we have a recommendation from our counsel to move item K, L, & F to Executive Session. (1.01.31)

At 7:04 pm, Mayor Gonzalez Jr. informed the audience that the Council would be going into Executive Session pursuant to Chapter 551, Section 155.071. Consultation with City Attorney. The Council shall convene to Executive Session & discuss the following: (101:07

Chapter 551, Section 551.071; Consultation with City Attorney.

- 1. Litigation - Blue Lions Property**
- 2. Property under J. Villalobos Name**
- 3. Litigation - Recover Property under Javier Villalobos name**
(102:11)

LL. Executive Session: Texas Government code Chapter 551, Section 551:071, Consultation with City Attorney.

Pursuant to Chapter 551.Section: 551.071: Consultation with City Attorney, the Council shall convene to Executive Session to discuss the following:

- 4. Litigation - Blue Lion Property**
- 5. Property under Javier Villalobos Name**
- 6. Litigation - Recover Property under Javier Villalobos name**

MM. Reconvene: The Council shall Reconvene and take possible action on items Discussed in Closed Meeting/Executive Session:

Chapter 551, Section 551.071: Consultation with City Attorney.

- 4. Litigation - Blue Lion Property**
- 5. Property under J. Villalobos name**
- 6. Litigation - Recover Property under Javier Villalobos name**

Special Meeting
10/15/19
Page 7 of 9

Mayor Gonzalez - It is now **7:38 pm** and we are now back into Open Session. (New Recording)

Mayor Gonzalez - Item S. Reconvene. The Council shall reconvene and take possible action on items discussed in Executive Session. Texas Government Code Chapter 551. Section 551.071, Consultation with City Attorney.

Chapter 551, Section 551.071: Consultation with City Attorney.

1. Litigation – Blue Lions Property

Mr. Jimenez - Mayor, It's my recommend, with the Boards approval to go forward with the proposal, subject to having the developers have conditions that the houses should be brick veneer, 1,200 square feet living minimum, that they have six months to start on the project, no (print) mobile homes, they are responsible for all improvements, we are going to continue having the injunction in place, and continue negotiating if for one reason or another they do not start working in the project within the six, then we are going to go forward and try to get the property back.

Mayor: Gonzalez - As per recommendation from Counsel, I need a motion?

Motion to **approve to go forward with Item 1. Litigation** - Blue Lions Property was de was made by **Alderman: Guzman**, 2nd by **Alderman : Cabrera**. All Voted Aye. Motion Carried.

2. Property under J. Villalobos Name.

Mr. Jimenez - Mayor, we talked about this and we did talk about the fact that there is a property right now that is under Mr. Villalobos name that we know it belongs to the City and he admits to that, so it is my recommendation that we try and recover that property.

Mayor: Gonzalez - As per recommendation from Counsel, I need a motion.

Motion to **approve to go forward with Item 2. Litigation** - Property under J. Villalobos name was made by **Alderman: Cabrera**, 2nd by **Mayor Pro Tem: Flores**. All Voted Aye. Motion Carried.

3. Litigation - Recover Property under Javier Villalobos name

Mr. Jimenez - Mayor, contingent to the previous discussion, acceptance, and order on allowing me to recover the property under Mr. Villalobos name, this specifically speak to whether or not to file suit against Mr. Villalobos and that the Board should allow me to give Mr. Villalobos 14 days' notice and send him a demand letter advising him that the Board has authorize the city attorney to follow suit if necessary, to recovery the property in clear standing with no taxes whatsoever. If for one reason or another those 14 days come and go, then the Board would authorize me to take the necessary steps to follow suit.

Mayor: Gonzalez - We have the recommendation from Counsel, I need a motion.

Motion to **approve to go forward with Item 3**. Property under Javier Villalobos name was made by **Mayor pro Tem: Flores**, 2nd by **Alderman: Borrego**. All Voted Aye. Motion Carried.

Special Meeting
10/15/19
Page 8 of 9

NN. Adjournment.

At 7:41 pm, a motion to adjourn was made by Mayor Pro Tem: Flores, 2nd by Alderman: Segura. All Voted Aye. Motion Carried.

Take Notice that this are the true and correct minutes taken of the Special Meeting of the City of Edcouch held on Tuesday, October 15, 2019.

Passed and Approved by the Board of Aldermen on this 23rd day of October 2019.

ATTEST

**Pete De La Cruz
City of Edcouch**